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Whip Information
(majoritywhip.gov)

Rules Information
(rules.house.gov)

BILL TEXT AND BACKGROUND FOR THE WEEK OF SEPTEMBER 27, 2010

- [H.R. 847 – James Zadroga 9/11 Health and Compensation Act](#)
- [H.R. 2378 – Currency Reform for Fair Trade Act](#)
- [Senate Amendment to H.R. 2701 – Intelligence Authorization Act for Fiscal Year 2010](#)
- [Senate Amendment to H.R. 3081 – Making Further Continuing Appropriations for Fiscal Year 2011](#)

[H.R. 847 – JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT](#) (*Rep. Maloney – Energy and Commerce*) (*Subject to a Rule*)

Bill Text: [HTML](#), [PDF](#)

[Bill Summary and Status](#)

Rules Committee Meeting: [Rule and Committee Report](#)

Committee: [House Committee on Energy and Commerce](#)

Committee Staff Contact: 5-2927

BILL SUMMARY & KEY ISSUES:

SUMMARY OF H.R. 847 – JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT

On September 11, 2001, terrorists attacked the World Trade Center and the Pentagon. In addition, an airplane commandeered by terrorists crashed in Shanksville, Pennsylvania. The firefighters and emergency personnel who responded to the attacks on the World Trade Center were exposed to a massive, highly toxic plume of dust from the collapse of the Twin Towers. In many cases, this exposure resulted in serious respiratory illnesses and related conditions.

H.R. 847 provides funding for a Health Program to monitor and treat responders and community residents for health conditions related to the terrorist attacks. It also reopens the September 11, 2001 Victim Compensation Fund to provide monetary compensation for those physically injured by the attacks or by response activities and debris removal. The bill, which would cost \$7.4 billion over the next ten years, is fully paid for by a provision preventing foreign multinational firms that are incorporated in tax haven countries from avoiding tax on income earned in the U.S.

Title I. World Trade Center (WTC) Health Program

H.R. 847 builds upon an existing, unauthorized federal program administered by the Centers for Disease Control and Prevention (CDC) that provides monitoring and treatment services through medical Centers of Excellence to responders and community residents affected by the terrorist attacks on the World Trade Center. The bill would authorize this program, expand it to include responders to the Pentagon and Shanksville sites, and provide nine years of capped mandatory funding (into FY 2019). The federal government would pay ninety percent of the costs of the Health Program, subject to an annual cap; CBO estimates that federal spending will total \$3.2 billion. The remaining 10 percent of the costs of the program (\$359 million) would be paid by New York City.

The Health Program would provide monitoring and specialized treatment services through Centers of Excellence for two populations: responders (emergency personnel, rescue, and clean-up workers who responded to the 9/11 attacks on the World Trade Center, the Pentagon, and Shanksville) and survivors (residents, workers, and students who returned to the World Trade Center area shortly after the attacks). The bill includes a national program to monitor and treat responders who live outside of the New York City/New Jersey metropolitan area. About 65,000 responders and less than 25,000 survivors are expected to enroll in the Health Program.

Title II. September 11 Victim Compensation Fund of 2001

H.R. 847 would reopen the September 11 Victim Compensation Fund of 2001 (VCF) to provide compensation for economic damages and losses to first responders, recovery workers and others injured

in the aftermath of the attacks, including persons who were exposed to World Trade Center toxins during debris removal. The bill would reopen the VCF until December 22, 2031 in order to cover persons who became ill, or will become ill, after the original fund closed. The 20-year period would protect persons with latent injuries that may not manifest for years. The total amount of compensation to be awarded would be capped at \$4.2 billion over the first 10 years and an additional \$4.2 billion over the second 10 years.

Awards under the VCF must be reduced by the amount of other compensation to the victim, including life insurance, health insurance, workers compensation, and any amount obtained in the settlement of a civil suit that occurred while the VCF was closed. Persons with civil suits pending on or after the date of enactment must relinquish those suits in order to file a claim with the VCF. The bill would cap at 10% the amount of VCF compensation that could be used for attorneys' fees, with an exception for old and extraordinary cases where large amounts of legal work have already been expended. The bill would also provide protection from liability to certain entities that participated in recovery efforts and debris removal, including the City of New York, the New York City Port Authority, and certain contractors.

Title III. Revenue Offset – Limitation on Treaty Benefits for Certain Deductible Payments

Under current law, certain payments (principally dividends, interest, and royalties) made by US-based entities to a parent company based overseas are subject to a 30 percent withholding tax. That requirement customarily is reduced or eliminated when the payment is made to a country with which the US has a tax treaty. Companies with parents based in tax haven countries are able to effectively bypass the withholding tax by routing payments through an affiliate in a tax treaty country, which then transfers the funds to the parent company. The provision would limit this practice by retaining the withholding tax on certain deductible payments (principally interest and royalties) to a foreign-based affiliate unless the tax would be reduced under a treaty if the payment were made directly to the company's parent corporation.

This provision is identical to a provision that passed the House of Representatives on March 24, as part of H.R. 4849 by a vote of 246-178. The House also approved the provision in November of last year as part of H.R. 3962 by a vote of 220 to 215. The provision is modified from a previous version approved by the House of Representatives as part of H.R. 2419 (110th Congress) by a vote of 231 to 191 (with 19 House Republicans joining 212 House Democrats in support) to ensure that foreign multinational corporations incorporated in treaty partner countries will not be affected by this provision. This provision is estimated to raise \$7.433 billion over 10 years.

House Report 111-560:

Part 1: [HTML](#); [PDF](#)

Part 2: [HTML](#); [PDF](#)

Full Committee on Energy and Commerce Markup:

Markup of H.R. 847: James Zadroga 9/11 Health and Compensation Act, May 25, 2010

- **Video:** [Part 1](#); [Part 2](#)
- [Text of Chairman Waxman's Opening Statement](#)
- [Briefing Memo](#)
- [Markup Action Sheet](#)

Summary of Committee Votes:

- Mike Rogers, R-Mich. Amendment to the Waxman, D-Calif., substitute amendment — that would replace language in the substitute creating the World Trade Center Health Program with language that would establish a separate grant program to promote federal, state and local efforts to monitor, treat and provide outreach to individuals who have medical problems that resulted from the 2001 terrorist attack in New York or at the Pentagon and subsequent debris removal. The amendment would authorize \$150 million annually, adjusted for inflation, for the grant program in fiscal 2012 through fiscal 2016. It would require grant recipients to verify that individuals illegally residing in the United States are not receiving services. **Rejected by Roll Call vote: 19-30; R 17-0; D 2-30.**
- Weiner, D-N.Y. Amendment to the Waxman, D-Calif., substitute amendment — that would make eligible for the World Trade Center Health Program firefighters and police officers who responded to the 2001 terrorist attacks on the Pentagon and the plane that crashed in Shanksville, Pa., as well as any other individuals the program administrator determines to be at increased risk of developing conditions related to the aftermath of the attacks. **Agreed to by standing vote 40-0.**
- Buyer, R-Ind. Amendment to the Waxman, D-Calif., substitute amendment — that would prohibit individuals who are illegally residing in the United States from participating in the program. **Rejected by Roll Call vote: 16-27; R 13-0; D 3-27.**
- Stearns, R-Fla. Amendment to the Waxman, D-Calif., substitute amendment — that would prohibit individuals on the Homeland Security Department's terrorist watch list from participating in the program. **Agreed to by Voice Vote.**

- Shimkus, R-Ill. Amendment to the Waxman, D-Calif., substitute amendment — that would prohibit the program from providing treatment as of July 2014. **Rejected by Roll Call vote: 18-31: R 18-0; D 0-31.**
- Latta, R-Ohio Amendment to the Waxman, D-Calif., substitute amendment — that would terminate the program if the national debt in any fiscal year is greater than it would have been if the program were not funded for that fiscal year. It would require the program's administrator to certify each fiscal year that such is not the case. **Rejected by Roll Call vote: 19-30: R 19-0; D 0-30.**
- Gingrey, R-Ga. Amendment to the Waxman, D-Calif., substitute amendment — that would make the funding levels in the bill discretionary instead of mandatory. **Rejected by Roll Call vote: 15-31: R 15-0; D 0-31.**
- Shimkus, R-Ill. Amendment to the Waxman, D-Calif., substitute amendment — that would strike provisions requiring that the program reimburse costs for medically necessary treatment according to the payment rates under the Federal Employee Compensation Act, and replace it with language that stipulates the reimbursement would be made at rates for similar services under the Social Security Act. **Rejected by Roll Call vote: 17-26: R 16-0; D 1-26.**
- Shadegg, R-Ariz. Amendment to the Waxman, D-Calif., substitute amendment — that would fund the program through the amount appropriated for a fund within the Health and Human Services Department for disease prevention and wellness activities nationwide. **Rejected by Roll Call vote: 13-29: R 13-0; D 0-29.**
- Burgess, R-Texas Amendment to the Waxman, D-Calif., substitute amendment — that would prohibit authorization of amounts in excess of what is included under the bill. **Agreed to by Voice Vote.**
- Burgess, R-Texas Amendment to the Waxman, D-Calif., substitute amendment — that would require individuals with an annual income or assets that exceed more than \$1 million to pay for the treatment they receive under the program. **Rejected by Roll Call vote: 16-29: R 14-0; D 2-29.**
- Gingrey, R-Ga. Amendment, to the Waxman, D-Calif., substitute amendment — that would require the Health and Human Services Department to determine, every two years, whether the average workers compensation claim adjudication period in New York City exceeds one year. It would increase the cost share for New York City by one percentage point for every 10 days that the city exceeds an average adjudication period of one year. **Rejected by Voice Vote.**
- Burgess, R-Texas Amendment, to the Waxman, D-Calif., substitute amendment — that would extend the liability protections of the Federal Tort Claims Act to medical providers practicing under the program. **Rejected by Roll Call vote: 12-30: R 12-1; D 0-29.**
- Hill, D-Ind. Motion to reconsider the Burgess, R-Texas, amendment — that would require individuals with an annual income or assets that exceed more than \$1 million to pay for the treatment they receive under the program. **Agreed to by Voice Vote.**
- Burgess, R-Texas Amendment, to the Waxman, D-Calif., substitute amendment — that would require individuals with an annual income or assets that exceed more than \$1 million to pay for the treatment they receive under the program. **Rejected by Roll Call vote: 21-22: R 13-0; D 8-22.**
- Burgess, R-Texas Amendment, to the Waxman, D-Calif., substitute amendment — that would terminate the program if New York City fails to make their shared contribution in any quarter. **Rejected by Voice Vote.**
- Burgess, R-Texas Amendment, to the Waxman, D-Calif., substitute amendment — that would eliminate the limits on New York City's cost sharing requirement. **Agreed to by Voice Vote.**
- Gingrey, R-Ga. Amendment, to the Waxman, D-Calif., substitute amendment — that would prohibit lawsuits from being brought against a medical provider working in the program if the provider follows the established protocol. **Rejected by Roll Call vote: 14-30: R 13-1; D 1-29.**
- Waxman, D-Calif. Substitute amendment — that would specify the World Trade Center Health Program would be run by whichever agencies the Health and Human Services Department chooses, instead of specifically by the National Institute for Occupational Safety. The amendment would:
 - Sunset the program after 10 years, instead of providing \$700 million annually, adjusted to inflation, after 2020.

- Cap enrollment in the program at 25,000, instead of at 15,000.
- Specify that the New York City would not be allowed to count workers' compensation payments toward its obligated 10 percent share.

Agreed to (as amended) by Voice Vote.

- **Vote to Report:** Favorably Reported the full House (as amended) **by Roll Call vote: 33-12: R 2-12; D 31-0.**

Full Committee on Judiciary Markup:

Markup of H.R. 847: James Zadroga 9/11 Health and Compensation Act, July 29, 2009

- [Transcript](#)

Summary of Committee Votes

- S. King, R-Iowa Amendment to the Conyers, D-Mich., amendment — that would eliminate the exception to the cap on attorney fees. **Rejected by Voice Vote.**
- Conyers, D-Mich. Amendment — that would limit the total payments made for claims filed on or after the Sept. 11 Victim Compensation Act is reopened to \$8.4 billion. The amendment also would limit attorney fees to 10 percent of the award granted, with the exception that the Fund's Special Master would have the authority to determine additional reasonable compensation for attorneys who provide a "substantial amount" of legal work. **Agreed to by Voice Vote.**
- Lamar Smith, R-Texas Amendment — that would limit the time period in which the Sept. 11 Victim Compensation Fund could be reopened to five years after the bill is enacted. It would limit the total payments made for claims filed on or after the enactment of the bill to \$5.5 billion. It also would require the Special Master of the Sept. 11 Victim Compensation Fund to update regulations no later than 90 days after the bill is enacted. **Rejected by Roll Call vote: 9-21: R 9-3; D 0-18.**
- **Vote to Report:** Favorably reported to the full House (as amended) by **Roll Call vote 22-9: R 3-9; D 19-0.**

Energy and Commerce Subcommittee on Health Hearing:

H.R. 847, the James Zadroga 9/11 Health and Compensation Act, April 22, 2009

- [Preliminary Transcript](#)
- **Panel:**
 - Representative Carolyn Maloney
 - Representative Jerrold Nadler: [Text of Written Testimony](#)
 - Representative Peter King
 - Caswell F. Holloway, Chief of Staff to New York City Deputy Mayor for Operations Edward Skyler, Special Advisor to New York City Mayor Michael R. Bloomberg: [Text of Written Testimony](#)
 - Joan Reibman, M.D., Associate Professor of Medicine and Environmental Medicine, Director NYU/Bellevue Asthma Center, Director of Health and Hospitals Corporation WTC Environmental Health Center, Bellevue Hospital, New York: [Text of Written Testimony](#)
 - Jacqueline Moline, M.D., M.Sc., Vice Chair, Community and Preventive Medicine, Director, WTC Medical Monitoring and Treatment Program, Clinical Center at Mount Sinai, Director, NY/NJ Education and Research Center, Mount Sinai School of Medicine, New York: [Text of Written Testimony](#)
 - Jim Melius, M.D., Administrator, NYS Laborers' Tri-Funds, Albany, New York: [Text of Written Testimony](#)
 - Edwardo Torres, Jersey City, New Jersey: [Text of Written Testimony](#)

Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law and Subcommittee on Constitution, Civil Rights, and Civil Liberties Joint Hearing:

H.R. 847, the "James Zadroga 9/11 Health and Compensation Act of 2009," March 31, 2009.

- [Video](#)
- [Transcript](#)
- **Panel:**
 - Kenneth Feinberg, Former Special Master, Victim Compensation Fund: [Text of Written Testimony](#)
 - Barbara Burnette, Detective, New York Police Department: [Text of Written Testimony](#)
 - Christine LaSala, Chief Executive Officer, World Trade Center Captive Insurance Fund: [Text of Written Testimony](#)
 - James Melius, M.D., Administrator, NYS Laborers' Health and Safety Trust Fund: [Text of Written Testimony](#)
 - Michael Cardozo, Corporation Counsel, City of New York: [Text of Written Testimony](#)
 - Ted Frank, American Enterprise Institute: [Text of Written Testimony](#)
 - Rich Wood, President, Plaza Construction Corporation: [Text of Written Testimony](#)

CBO Report:

[Cost Estimate](#): As transmitted to the CBO on July 27, 2010

CRS Report:

[R41292](#): Comparison of the Current World Trade Center Medical Monitoring and Treatment Program and the World Trade Center Health Program Proposed by Title I of H.R. 847 – 9/2/10

Administration Position:

(TBA)

Organization Statements:

[Legislative Alert](#), AFL-CIO

[Letter of Support](#), American Council of Engineering Companies, The Associated General Contractors of America, and Associated Builders and Contractors, Inc.

[Letter of Support](#), AFSCME

[Letter of Support](#), American Hospital Association

[Letter of Support](#), Bovis Lend Lease

[Letter of Support](#), Community Board No. 1, City of New York

[Letter of Support](#), Federal Law Enforcement Officers Association, National Association of Police Organizations, Detectives Endowment Association (NYPD), Sergeants Benevolent Association (NYPD), Lieutenants Benevolent Association (NYPD), Captains Endowment Association (NYPD), Port Authority Police Benevolent Association, Inc.

[Letter of Support](#), International Association of Fire Fighters

[Letter of Support](#), UAW

[Letter of Support](#), Laborers’ International Union of North America

[Letter of Support](#), National Association of Counties

[Letter of Support](#), National Association of Police Organizations, Inc.

[Letter of Support](#), New York City Health and Hospitals Corporation

[Letter of Support](#), Plaza Construction Corporation

[Letter of Support](#), Sergeants Benevolent Association (NYPD)

[Letter of Support](#), Transportation Trades Department, AFL-CIO

[Letter of Support](#), Tully Construction Co. Inc.

[Letter of Support](#), Turner Construction Company

[Letter of Support](#), World Trade Center Rescuers Foundation

Fact Sheets & Talking Points:

[1-pager on H.R. 847](#), Office of Rep. Maloney

[Key Provisions of H.R. 847](#), Office of Rep. Maloney

[Q&A on H.R. 847](#), Office of Rep. Maloney

Press Releases, News Articles & Related Information:

[9/11 Injuries Compensation Measure Coming to House Floor](#), CQ Today

[Joint Statement from Speaker Pelosi and Majority Leader Hoyer on 9/11 Health Bill](#)

[U.S. Reps. Maloney and Nadler Announce New Vote on Zadroga 9/11 Health and Compensation Act](#), Offices of Reps. Maloney and Nadler

Other Resources:

[Cosponsors](#)

H.R. 2378 – CURRENCY REFORM FOR FAIR TRADE ACT (Rep. Ryan (OH) – Ways and Means)
(Subject to a Rule)

Bill Text: [HTML](#), [PDF](#)

[Bill Summary and Status](#)

Rules Committee Meeting: [Rule and Committee Report](#)

Committee: [House Committee on Ways and Means](#)

Committee Staff Contact: 5-3625

BILL SUMMARY & KEY ISSUES:

SUMMARY OF H.R. 2378 – CURRENCY REFORM FOR FAIR TRADE ACT

NEED FOR THE LEGISLATION

China suppresses the value of its currency (the RMB), making China’s exports cheaper than they would be if China allowed its currency to be set by the market. China’s currency policy places a drag on U.S. economic growth and job creation. Nobel Prize winning economist Paul Krugman estimates that China’s currency policy reduces U.S. GDP by 1.4 percentage points annually. According to Fred Bergsten of the Peterson Institute, allowing the RMB to appreciate to its real value would make U.S. manufacturers more competitive and create an estimated 500, 000 U.S. manufacturing jobs here in the

United States.

As a general matter, under the U.S. countervailing duty law, remedial tariffs can be imposed on imports benefitting from foreign government subsidies for export, if it is shown that imports benefitting from such subsidies cause or threaten injury to a U.S. industry producing the same or similar products. To date, however, the Department of Commerce has declined to investigate foreign government currency practices as a countervailable subsidy.

KEY ELEMENTS OF H.R. 2378, AS AMENDED

The most important element of the bill, as amended, reverses a long-standing Commerce practice that is far more restrictive than required under U.S. law and WTO disciplines. Specifically, in the past, Commerce has resisted finding an export subsidy if the subsidy is not limited exclusively to circumstances of export (*i.e.*, when non-exporters may benefit). The Currency Reform for Fair Trade Act, as amended, precludes Commerce from imposing this bright-line rule and, instead, requires Commerce to consider all the facts in making its determination of export contingency.

The Currency Reform for Fair Trade Act, as amended, also provides important guidance to Commerce in assessing whether a “benefit” exists in circumstances involving material currency undervaluation resulting from government intervention. Specifically, Commerce is directed to assess “benefit” in terms of the additional currency the exporter receives as a result of the undervaluation and to use widely-accepted IMF methods for determining the level of undervaluation.

In all cases, however, the Act, as amended, preserves Commerce’s authority – and responsibility – to consider each case on its facts and make a determination as to whether all the necessary legal elements of an export subsidy are met.

H.R. 2378, AS AMENDED, IS WTO-CONSISTENT

As amended, H.R. 2378 is WTO-consistent because countervailing duties may only be imposed when Commerce finds, based on an assessment of all the facts, that the WTO criteria for an export subsidy have been satisfied, *i.e.*, only if: (1) the foreign government’s interventions in the currency markets result in a “financial contribution”; (2) a “benefit” is thereby conferred; and (3) the resulting subsidy is “contingent on export”.

The key element of the amended bill – indicating to Commerce that it may no longer dismiss a claim based on the single fact that a subsidy is available in circumstances in addition to export – is consistent with WTO precedent. One relevant case is the U.S.-FSC case, which expressly stated that a subsidy may still be export contingent, even if it is available in some circumstances that do not involve export.

Importantly, the amended bill does not legislatively “deem” that a finding of fundamental currency undervaluation satisfies the requirement of export contingency, as the original bill did. With the elimination of this requirement, as well as other changes, the amended bill avoids the WTO vulnerabilities that may have been attributed to earlier versions of the legislation.

House Report 111-646: [PDF](#)

Full Committee on Ways and Means Markup:

[Markup of H.R. 2378](#): Currency Reform for Fair Trade Act, September 24, 2010

- [Text of Chairman Levin’s Opening Statement](#)

Summary of Committee Votes:

- [D. Camp, R-Mich. Amendment to the Levin, D-Mich., substitute amendment](#) — that would direct the Government Accountability Office (GAO) to include additional data in its report on relief granted to U.S. industries that have been “materially injured” because of undervalued currency. Such data would have to include information on manufacturers who use imported goods. The substitute amendment would require the GAO to report on relief granted to U.S. industries that have been “materially injured” because of undervalued currency but would not require the GAO to report specifically on manufacturer relief. **Rejected by Voice Vote.**
- [S. Levin, D-Mich. Substitute amendment](#) — that would include “fundamentally undervalued currency” in the “duty test” under which the Commerce Department can impose a countervailing tariff on foreign exports. It would allow countervailing duties to be imposed when Commerce finds that a foreign government’s intervention in the currency market results in a financial contribution resulting in a benefit and where the subsidy involves exports. It would allow Commerce to find that a country’s currency is fundamentally undervalued if that country’s government engages in “protracted, large-scale” intervention in one or more foreign exchange markets, if the effective exchange rate of the currency is undervalued by at least five percent, and if the country has experienced significant and persistent global current account surpluses. A

country's currency would also be considered fundamentally undervalued if its asset reserves:

- exceeds its debt obligations for the next 12 months;
- exceeds 20 percent of its money supply;
- exceeds the value of its imports during the previous four months.

As amended, it would allow countervailing duties to be imposed when Commerce finds that a foreign government's intervention in the currency market results in a financial benefit and where the subsidy involves exports. It also would direct the Government Accountability Office to report on relief granted to U.S. industries that have been "materially injured" because of undervalued currency. The substitute amendment also removed an "anti-dumping" provision from the bill that would have allowed for the adjustment of export prices to reflect the level of undervaluation of the currency of the exporting country. **Agreed to by Voice Vote.**

- **Vote to Report:** Favorably reported to the full House (as amended) by **Voice Vote.**

Committee Hearings:

Hearing on China's Exchange Rate Policy, September 15, 2010

- Chairman Levin's Opening Statement:
 - [Video](#)
 - [Text](#)
- **Panel 1:**
 - The Honorable Tim Ryan
 - [Video of Testimony](#)
 - [Text of Written Testimony](#)
 - The Honorable Adrian Smith
 - [Video of Testimony](#)
 - [Text of Written Testimony](#)
 - The Honorable John A. Boccieri
 - [Video of Testimony](#)
 - [Text of Written Testimony](#)
 - The Honorable Lynn Jenkins
 - [Video of Testimony](#)
 - [Text of Written Testimony](#)
- **Panel 2:**
 - Dan DiMicco, Chairman, President, and Chief Executive Officer, NUCOR Corporation
 - [Video of Testimony](#)
 - [Text of Written Testimony](#)
 - C. Fred Bergsten, Ph.D., Director, Peterson Institute for International Economics
 - [Video of Testimony](#)
 - [Text of Written Testimony](#)
 - The Honorable Ira S. Shapiro, J.D., Shareholder, Greenberg Traurig, L.L.P.
 - [Video of Testimony](#)
 - [Text of Written Testimony](#)
 - John R. Magnus, J.D., President, Tradewins L.L.C.
 - [Video of Testimony](#)
 - [Text of Written Testimony](#)
 - Leo W. Gerard, International President, United Steelworkers
 - [Video of Testimony](#)
 - [Text of Written Testimony](#)
 - John Frisbie, President, U.S.-China Business Council
 - [Video of Testimony](#)
 - [Text of Written Testimony](#)

Second Hearing on China's Exchange Rate Policy, with Treasury Secretary Geithner, September 16, 2010

- Panel 1:
 - The Honorable Timothy F. Geithner, Secretary, U.S. Department of the Treasury
 - [Video of Testimony](#)
 - [Text of Written Testimony](#)

CBO Report:

[Cost estimate](#): as ordered reported by the House Committee on Ways and Means on September 24, 2010

CRS Reports:

[RS21625](#): China's Currency: An Analysis of the Economic Issues – 9/24/10

[RL33577](#): U.S. International Trade: Trends and Forecasts – 7/13/10

[RL32371](#): Trade Remedies: A Primer – 6/14/10

Administration Position:

(TBA)

Organization Statements:

[Business/Agriculture/Labor Fair Currency Coalition Calls on House to Support Levin Substitute to Ryan-Murphy Currency Bill](#), Fair Currency Coalition
[Legislative Alert](#), AFL-CIO
[Re: Food and Agriculture Organization Support for Currency Legislation – support for Chairman’s Mark](#), Coalition of Agricultural Producers
[Letter of Support](#), UAW
[Re: Vote on Currency Legislation](#), United Steelworkers
[Letter of Support](#), American Iron and Steel Institute
[AMTAC Strongly Endorses Levin Mark to Ryan-Murphy Currency Bill](#), Urges Final Floor Vote Before House Recesses Next Week, American Manufacturing Trade Action Coalition
[Letter of Support](#), Alliance for American Manufacturing
[Letter of Support](#), National Council of Textile Organizations

Fact Sheets & Talking Points:
(TBA)

Press Releases, News Articles & Related Information:
[House to Target China’s Currency](#), CQ Today
[Hoyer: House Will Vote on China Currency Legislation Next Week](#), Office of the Majority Leader
[China Currency letter to House Leadership](#), Rep. Tim Ryan et al.
[Reps. Ryan and Boccheri Testify on Behalf of China Currency Legislation](#)

Other Resources:
[Cosponsors](#)

SENATE AMENDMENT TO H.R. 2701 – INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010 (*Rep. Reyes – Intelligence*) (*Subject to a Rule*)

Bill Text: [HTML](#), [PDF](#)
[Bill Summary and Status](#)
Rules Committee Meeting: [Rule and Committee Report](#)
Committee: [House Permanent Select Committee on Intelligence](#)
Committee Staff Contact: 5-7690

BILL SUMMARY & KEY ISSUES:

1. Oversight and Accountability Provisions:
 - Gang of 8 Reforms: The bill includes a version of the notification reforms that is similar to the House-passed version. Among other things, the provision requires that the President:
 - Provide all Gang of 8 notifications in writing;
 - Inform the entire membership of the intelligence committees that a Gang of 8 briefing has occurred and provide a “general description” regarding that briefing;
 - Ensure that the Gang of 8 briefing is made available to all members of the committees six months after the initial briefing, unless the President certifies that “extraordinary circumstances affecting vital interests of the United States” require that the information remain limited;
 - Maintain a record of the dates and members attending a Gang of 8 notifications; and
 - Consider a list of specified factors in determining whether an activity constitutes a “significant undertaking” that must be briefed to Congress.
 - GAO Access to the Intelligence Community: The bill requires that the DNI, in consultation with the Comptroller General, issues a written directive governing GAO access to information in possession of the Intelligence Community.
 - The new DNI, General Clapper, has suggested in testimony that he would be open to working with GAO. This provision would give him the opportunity to put this sentiment into action.
 - IC/IG: The bill would, after several years of negotiation, create a statutory Inspector General for the Intelligence Community.
 - Accountability Reviews: This bill includes a provision that would allow the ODNI to conduct “accountability reviews” of IC elements or certain personnel within an IC element.
 - Certification of Compliance: The bill includes a provision that requires the head of each IC element to certify annually that the element is in full compliance with notification requirements.

- NSA Office of Compliance: The bill includes a provision that would make statutory NSA's Office of Compliance.
2. Personnel Provisions:
 - Conflict of Interest Regulations (Moonlighting): The bill includes the portions of the original House floor amendment that require the ODNI to craft regulations prohibiting an employee from engaging in certain outside employment and requiring a report to Congress.
 - Security Clearance Reform: The bill includes a House-originated provision that would require extensive reporting and oversight on security clearance processes.
 3. Acquisition Provisions: The bill includes a number of provisions that bring IC acquisition procedures closer in line with recently enacted DOD acquisition reforms. These represent significant reforms in the way the IC conducts acquisitions. Among other things, the provisions would create a notification system similar to DOD's "Nunn-McCurdy" system, which requires reports to Congress and program restructuring when costs for major systems grow past certain thresholds.
 4. Language Provisions: The bill includes provisions expanding various education grant programs, which were included in both the House and Senate versions. It also includes the House-originated pilot program for African languages.
 5. Declassification of NIP Request: The bill includes a provision that would declassify the top-line of the NIP budget request. Current law requires disclosure of total appropriation after the fiscal year has ended; the new provision would also require disclosure of the request. It would allow the President to waive the disclosure in the interest of national security.
 6. Intelligence and Information Commission: The bill would create a commission tasked with analyzing the processes for integrating information from outside of the IC (e.g., State Department reporting) with reporting by the IC.
 7. Reports: The bill includes a number of reports. The following have been items of interest for Members of the House:
 - Report on diversity in the IC;
 - Comprehensive report on IC contractors;
 - Consolidated report on cybersecurity;
 - Report on E-Waste destruction practices;
 - Plan to implement recommendations of data center efficiency reports;
 - Review of records relating to Desert Storm health risks;
 - Report on steps the IC has taken to address the attempted bombing of Flight 253;
 - Report on foreign language capabilities in the IC;
 - Report on threats posed by dirty bombs;
 - Public release of information regarding the airbridge denial program in Peru;
 - Plan for auditability in IC elements;
 - Public release of information regarding recidivism of detainees at Guantanamo Bay;
 - Review of FBI jurisdiction overseas; and

Classified Annex: The bill does not include a classified annex or schedule of authorizations. The bill would not become law until the very end of FY10, if not later, and thus a classified annex that differs in any way from existing appropriations level could significantly complicate funding for the IC. The bill therefore explicitly authorizes funding for the IC at the levels included in the already enacted FY10 appropriations bills, including subsequent transfers and reprogramming.

House Report 111-186:
[HTML](#); [PDF](#)

Full Permanent Select Committee on Intelligence Markup:

Markup of H.R. 2701: Intelligence Authorization Act for Fiscal Year 2010, June 18, 2009

Summary of Committee Votes:

- Mike Rogers, R-Mich. Amendment to the Reyes, D-Texas, substitute — that would authorize funds to close the National Drug Intelligence Center. **Rejected by Roll Call vote: 9-13: R 9-0; D 0-13.**
- Mike Rogers, R-Mich. Amendment to the Reyes, D-Texas, substitute — that would prohibit the use of funds for giving Miranda warnings to foreign terrorism detainees. **Agreed to by Roll Call vote: 14-7: R 9-0; D 5-7.**

- P. Murphy, D-Pa. Amendment to the Myrick, R-N.C., amendment to the Reyes, D-Texas, substitute — that would limit the use of funds for the transfer or release of individuals detained at Guantanamo Bay, Cuba, to the United States, until such time as the president presents to Congress a plan regarding the disposition of each individual to be transferred or released. The Myrick, R-N.C., amendment would have prohibited funds from being used for the transfer or release of Guantanamo Bay, Cuba detainees. **Agreed to by Roll Call vote: 12-10: R 0-9; D 12-1.**
- Myrick, R-N.C. amendment to the Reyes, D-Texas, substitute, as amended — that would limit the use of funds for the transfer or release of individuals detained at Guantanamo Bay, Cuba, to the United States, until such time as the president presents to Congress a plan regarding the disposition of each individual to be transferred or released. **Agreed to (as amended) by Roll Call vote: 14-8: R 3-6; D 11-2.**
- Blunt, R-Mo. Amendment to the Reyes, D-Texas, substitute — that would bar the administration from using intelligence funds to hide secret payments to foreign governments for taking terrorist detainees. **Rejected by Roll Call vote: 10-12: R 9-0; D 1-12.**
- Hoekstra, R-Mich. Amendment to the Reyes, D-Texas, substitute — that would require the director of National Intelligence, in consultation with the director of the Central Intelligence Agency and the director of the Defense Intelligence Agency, to make publicly available an unclassified summary of intelligence relating to the recidivism of detainees held at Guantanamo Bay, Cuba. **Agreed to by Roll Call vote: 12-10: R 9-0; D 3-10.**
- Thornberry, R-Texas Amendment to the Reyes, D-Texas, substitute — that would strike language in the measure related to the video recording of interrogations of persons in the custody of the Central Intelligence Agency. **Rejected by Roll Call vote: 9-13: R 9-0; D 0-13.**
- Conaway, R-Texas Amendment to the Reyes, D-Texas, substitute — that would strike language in the measure relating to Government Accountability Office audits and investigations. **Rejected by Roll Call vote: 9-13: R 9-0; D 0-13.**
- Mike Rogers, R-Mich. Amendment to the Reyes, D-Texas, substitute — that would prohibit payments to foreign nations for the purposes of conducting surveillance or monitoring of a detainee previously held at Guantanamo Bay. **Rejected by Roll Call vote: 9-13: R 9-0; D 0-13.**
- Hoekstra, R-Mich. Amendment to the Reyes, D-Texas, substitute — that would require the director of the Central Intelligence Agency to make publicly available unclassified versions of documents relating to congressional briefings on the use of enhanced interrogation techniques, as well as an unclassified version of intelligence products assessing the information gained from detainee reporting. **Rejected by Roll Call vote: 9-13: R 9-0; D 0-13.**
- Thornberry, R-Texas Amendment to the Reyes, D-Texas, substitute — that would alter the congressional notification process as set forth in the National Security Act of 1947. **Rejected by Roll Call vote: 10-12: R 9-0; D 1-12.**
- J. Kline, R-Minn. Amendment to the Reyes, D-Texas, substitute — that would require the National Reconnaissance Office to update its charter. **Agreed to by Voice Vote.**
- Conaway, R-Texas Amendment to the Reyes, D-Texas, substitute — that would call on the director of National Intelligence to take further steps toward financial transparency and audit readiness. **Agreed to by Voice Vote.**
- Hoekstra, R-Mich. Amendment to the Reyes, D-Texas, substitute — that would require an unclassified, public report on intelligence on the freed Guantanamo Uighur detainees. **Agreed to by Voice Vote.**
- Reyes, D-Texas Substitute amendment — that would authorize a classified amount for fiscal 2010 for the 16 U.S. intelligence agencies and related programs plus the Office of the Director of National Intelligence.

The bill would eliminate some limits on which lawmakers have access to executive branch briefings on intelligence matters.

The bill would eliminate from the National Security Act of 1947 statutory language allowing the executive branch to provide so-called "Gang of Eight" briefings to only the bipartisan leaders of the House and Senate and the two intelligence committees. Instead, the committee could adopt procedures that would allow Gang of Eight briefings in certain circumstances, but it would be up to the members of the congressional intelligence committees to make that decision.

It would increase authorized funding for human spying, counterintelligence, language training and research and development.

The bill also would authorize funds for cybersecurity, U.S. efforts in Afghanistan and Pakistan, and for emerging security issues in Africa, Latin America and Mexico.

As amended, it would require an unclassified, public report on intelligence on the freed Guantanamo Uighur detainees.

It would call on the director of National Intelligence to take further steps toward financial transparency and audit readiness.

It would require the National Reconnaissance Office to update its charter.

It would require the director of National Intelligence, in consultation with the director of the Central Intelligence Agency and the director of the Defense Intelligence Agency, to make publicly available an unclassified summary of intelligence relating to the recidivism of detainees held at Guantanamo Bay, Cuba.

As amended, it would limit the use of funds for the transfer or release of individuals detained at Guantanamo Bay, Cuba, to the United States, until such time as the president presents to Congress a plan regarding the disposition of each individual to be transferred or released.

It would prohibit the use of funds for giving Miranda warnings to foreign terrorists.

Agreed to (as amended) by Roll Call vote: 12-9; R 0-9; D 12-0.

- **Vote to Report:** Favorably reported to the full House (as amended) by **Voice Vote**.

CBO Reports:

[Pay-as-you-go table](#): as provided to CBO on September 24, 2010

[Cost estimate](#): as ordered reported by the House Permanent Select Committee on Intelligence on June 18, 2009

CRS Reports:

[RL32525](#): Congressional Oversight of Intelligence: Current Structure and Alternatives – 9/25/10

[RL33001](#): U.S.-China Counterterrorism Cooperation: Issues for U.S. Policy – 7/15/10

[R41295](#): Intelligence Reform After Five Years: The Role of the Director of National Intelligence (DNI) – 6/22/10

[R40754](#): Guantanamo Detention Center: Legislative Activity in the 111th Congress – 6/17/10

[R41252](#): Terrorism, Miranda, and Related Matters – 5/24/10

[R40691](#): Sensitive Covert Action Notifications: Oversight Options for Congress – 1/29/10

[RL33715](#): Covert Action: Legislative Background and Possible Policy Questions – 7/6/09

Administration Position:

(TBA)

Organization Statements:

(TBA)

Fact Sheets & Talking Points:

(TBA)

Press Releases, News Articles & Related Information:

[Senate Advances Intelligence Authorization After Agreement on Notifications](#), CQ Today

[Pelosi Statement on Senate Passage of Intelligence Authorization Bill](#), Office of the Speaker

[House Intelligence Committee Authorizes Fund for Intelligence Community](#), House Permanent Select Committee on Intelligence

Other Resources:

(TBA)

SENATE AMENDMENT TO H.R. 3081 – MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2011 (*Rep. Obey – Appropriations*) (*Subject to a Rule*)

Bill Text: HTML

Bill Summary and Status

Rules Committee Meeting: (TBA)

Committee: [House Committee on Appropriations](#)

Committee Staff Contact: 5-2771

BILL SUMMARY & KEY ISSUES:

TO BE ADDED

House Report 111-:

CBO Report:

(TBA)

CRS Report:

(TBA)

Administration Position:

(TBA)

Organization Statements:

(TBA)

Fact Sheets & Talking Points:

(TBA)

Press Releases, News Articles & Related Information:

[Senate Puts in Motion a Potential Vehicle for a Continuing Resolution](#), CQ Today

Other Resources:

(TBA)

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